

Message Text

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ACTION EB-07

INFO OCT-01 EA-07 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /027 W

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R 040841Z SEP 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 3018

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E.O. 11652: N/A

TAGS: EAIR, JA

SUBJ: CIVAIR: REJECTION BY JCAB OF PROPOSED AIR FARE FILINGS

REF: STATE 206279

1. AFTER COORDINATING WITH PAN AM, EMBOFF DISCUSSED PROBLEM OF AIR FARES WITH FONOFF 1ST NA DIVISION MATSUOZAWA ON SEPTEMBER 2. EMBOFF EXPLAINED THAT, IN LIGHT OF EXTREMELY LOW TRANS-PACIFIC FARES OFFERED BY SOME AIRLINES, USCAB CONSIDERED PAN AM'S PROPOSED FARE REASONABLE AND HAD NOT DISALLOWED IT. THEREFORE, AS FAR AS USG CONCERNED, NEW FARE HAD GONE INTO EFFECT ON SEPTEMBER 1. EMBOFF ALSO STRESSED THAT FARE SCHEDULED TO EXPIRE MARCH 31, 1976, AND THAT WE HOPED THE GOJ WOULD ALLOW THE FARE TO CONTINUE FOR THIS LIMITED PERIOD OF TIME.

2. DRAWING ON PARA 2 REFTEL, WE PREPARED AND LEFT AIDE MEMOIRE WITH FONOFF WHICH READS AS FOLLOWS:

3. QUOTE. THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS AND CALLS ITS ATTENTION TO THE REJECTION BY THE JAPAN CIVIL AVIATION BUREAU OF PAN AMERICAN'S PROPOSED 120 DAY ECONOMY ROUND TRIP EXCURSION FARE WHICH WAS FILED WITH THE MINISTER OF TRANSPORT ON AUGUST 1, 1975.

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4. AS THE MINISTRY IS AWARE, THE U S CIVIL AERONAUTICS BOARD VIEWS MOST SERIOUSLY THE QUESTION OF THE FARE STRUCTURE ON THE TRANS-PACIFIC SERVICE AS ELSEWHERE. THE UNITED STATES GOVERNMENT ALSO AGREES WITH THE VIEW EXPRESSED BY THE GOVERNMENT OF JAPAN IN ITS NOTE VERBALE OF AUGUST 19, THAT A STREAMLINING OF PROMOTIONAL RATES IS NECESSARY. WE BELIEVE THAT THE FARES PROPOSED BY PAN AMERICAN SEEM TO TAKE INTO ACCOUNT THE FARES PRESENTLY BEING OFFERED BY OTHER CARRIERS AND THE CIVIL AERONAUTICS BOARD DOES NOT CONTEMPLAT ACTION TO DISALLOW THEM. WE ALSO BELIEVE THAT THE FEAR EXPRESSED BY THE JAPANESE GOVERNMENT IN ITS SAME NOTE OF AUGUST 19, THAT THE REDUCED FARE MIGHT BE UNLAWFULLY APPLIED TOWARD PASSENGERS WHO DO NOT QUALIFY FOR THE FARE IS EXAGGERATED.

5. THEREFORE, SO FAR AS THE UNITED STATES GOVERNMENT IS CONCERNED, THE SAID FARES WENT INTO EFFECT FROM SEPTEMBER 1. AS WILL BE NOTED FROM THE APPLICATION THE PROPOSED FARES ARE BY THEIR OWN TERMS SCHEDULED TO EXPIRE MARCH 31, 1976 AND THE UNITED STATES GOVERNMENT TRUSTS THAT THE JAPAN CIVIL AVIATION BUREAU WILL PERMIT THEM TO REMAIN IN EFFECT, AT LEAST PROVISIONALLY, FOR THIS LIMITED PERIOD OF TIME.

6. THE EMBASSY ALSO ADDS THAT THE UNITED STATES GOVERNMENT IS READY TO DISCUSS THIS PROBLEM FURTHER WITH THE GOVERNMENT OF JAPAN IF SO REQUESTED. UNQUOTE.

7. TWO REFERENCES RE GOJ'S NOTE OF AUGUST 19 WERE INCLUDED AS RESPONSE TO TWO REASONS GIVEN BY GOJ IN ITS NOTE VERBALE FOR TURNING DOWN THE AIR FARE CHANGE REQUEST. (COPIES TRANSLATION THIS NOTE POUCHED TO EB/AV COBB IN LETTER DATED AUGUST 25).

8. EMBOFF ORALLY EXPRESSED WASHINGTON'S CONCERN THAT THE EMBASSY HAD NOT RECEIVED WRITTEN NOTICE OF THE FARE'S REJECTION PRIOR TO AUGUST 15 BUT WE DID NOT RPT NOT MAKE AN ISSUE OF THIS SINCE PAN AM RECEIVED A WRITTEN NOTICE OF THE REJECTION DATED AUGUST 13. EMBASSY ALSO UNAWARE OF ANY ARTICLE 13 OR OTHER LIMITED OFFICIAL USE

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PR

ROVISION IN THE US-JAPAN AIR TRANSPORT AGREEMENT WHICH STATES THAT NOTIFICATION OF DISSATISFACTION EXPRESSED BY A CONTRACTING PARTY WITHIN FIFTEEN DAYS OF A FARE FILING MUST BE EXPRESSED IN WRITING. (WE WOULD, OF COURSE, WANT SUBSEQUENT WRITTEN CONFIRMAION OF ANY ORAL NOTIFICATION GIVEN).

9. MATSUOZAWA EXPRESSED UNDERSTANDING OF BOTH THE USG
AND PAN AM'S POSITION AND PROMISED TO DISCUSS THE MATTER
FURTHER WITH THE JCAB.

10. EMBASSY COMMENT: AS STATED ABOVE, THE US-JAPAN
AIR TRANSPORT AGREEMENT LEAVES OPEN QUESTION
WHETHER "NOTIFICATIONS" REGARDING FARE FILINGS MADE
WITHIN 15 DAS OF THE FARE FILING MUST BE WRITTEN.
IF WE DEPEND HEAVILY ON POSITION THAT SUCH DENIALS
MUST BE IN WRITING, WE WOULD BE REFUSING TO ACCEPT THE
GOJ NOTIFICATION ON A TECHNICALITY. WE MUCH PREFER TO
REPLY ON SOLID REASONS AS TO WHY THE USG BELIEVES PAN
AM'S REQUEST TO IMPLEMENT A LOWER FARE IS LEGITIMATE.
END COMMENT.
HODGSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, AIR FARES, AIDE MEMOIRE
Control Number: n/a
Copy: SINGLE
Draft Date: 04 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975TOKYO12340
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750305-0766
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750982/aaaacuqe.tel
Line Count: 130
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 206279
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 16 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 JUL 2003 by MartinML>; APPROVED <19 NOV 2003 by izenbei0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: REJECTION BY JCAB OF PROPOSED AIR FARE FILINGS
TAGS: EAIR, JA, US, PANAM
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006